

REMARKS:

Claims 1-37 are currently pending in the application. Claims 1, 12, 23, and 34-37 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9, 17, and 25 of U.S. co-pending application 09/895,654. Claims 1-37 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,708,161 to Tenorio, et al. ("Tenorio"). Reconsideration and withdrawal of the outstanding rejections is respectfully requested in light of the following remarks.

DOUBLE PATENTING:

Claims 1, 12, 23, and 34-37 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9, 17, and 25 of U.S. co-pending application 09/895,654.

Submitted herewith is a Terminal Disclaimer.

It is respectfully submitted that this Terminal Disclaimer obviates the double patenting rejections.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1-37 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,708,161 to Tenorio, et al. ("Tenorio").

Submitted herewith is a Declaration under 37 C.F.R. § 1.132.

It is respectfully submitted that this Declaration obviates the rejections under 35 U.S.C. 102(e).

CONCLUSION:


In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Enclosed is a Transmittal that includes an authorization for charging the \$120.00 One-Month Extension of time fee and the \$130.00 Terminal Disclaimer fee to **Deposit Account No. 500777**. No other fees are believed to be necessary. However, if any other fees should be required, the Director is hereby to charge any such fees to Deposit Account No. **500777**. If the Request for Extension for Response is missing or insufficient, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such Petition for Extension of Time should be charged to Deposit Account No. **500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

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Date


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